Environmental Planning in the Army Corps of Engineers

NATIONAL ENVIRONMENTAL POLICY ACT

http://ceq.eh.doe.gov/nepa/nepanet.htm

National Environmental Policy Act

Provisions:

- Implements National Policy of productive harmony between man and his environment.
- Acts as an environmental umbrella concept .
- Has Action Forcing Provisions requiring the preparation of appropriate documentation.
- Established Council on Environmental Policy to oversee implementation.

National Environmental Policy Act

Implementing Procedures:

- Council on Environmental Quality 40 CFR part 1500-1508 Nov 29, 1978
- USACE : ER 200-2-2 dated 25 August 1980 implements the above regulation.

National Environmental Policy Act

Cooperating Agencies

- Federal agencies with jurisdiction or special expertise assigned by law.
- Basis for request as **Cooperating Agency** is 40 CFR 1501.6
- Shall serve upon request of the lead agency.

National Environmental Policy Act

Benefits of using Cooperating Agencies

- Provide staff to ***enhance*** the interdisciplinary capability of the lead agency.
- Cooperating Agencies normally will use own funds.
    - Lead agency shall fund requested analyses/activities.

National Environmental Policy Act

Notice of Intent.

- Publish in Federal Register.
- Brief description of action & alternatives.
- Describes **Scoping Process** including location and timing of any proposed meetings.
- Provides POC for action.

National Environmental Policy Act

Scoping

- Process to define affected public and agency concerns and issues.
  - Deters future legal challenges.
  - Accommodates involvement by various interests.
  - Determines scope and significance of issues to be analyzed in detail.

National Environmental Policy Act

Scope of Alternatives to be considered:

- No action (P & G future w/o project condition).
- Other reasonable courses of action.
- Actions by others.

Avoid segmentation!

National Environmental Policy Act

Scope of Impacts to be considered.

- Direct effects-caused by action.
- Indirect effects- occurring as a result of the action but in another place or at a later time.
  - Changes in land use is an example.
  - Difficult to predict .
  - Can require significant mitigation.

National Environmental Policy Act

Until NEPA Process is Completed (signed ROD/FONSI):

- Cannot Award Construction Contract!
- No irretrievable or irreversible commitments of resources.
- No action that may limit the choice of alternatives.
- Cannot process paperwork, make administrative decisions, etc.

National Environmental Policy Act

Why scope?

- Identify full suite of issues and variety of viewpoints.
- Take advantage of cooperating agencies'/stakeholders' expertise/knowledge.
- Use sound scientific analyses.
- Avoid taking positions not supportable by sound science.
- **Saves time & money**.
- Affects agency credibility

National Environmental Policy Act

- Questions??????????????????????
  - Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulation
  - FR Vol. 46, No. 55/Monday, March 23, 1981
  - Environmental Consideration Corps Planning Course provides more detail and substance on NEPA